

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14-cr-20283

v.

UNITED STATES DISTRICT COURT JUDGE  
GERSHWIN A. DRAIN

BLAKE JOSEPH SANDLAIN,

Defendant.

UNITED STATES MAGISTRATE JUDGE  
R. STEVEN WHALEN

/

**ORDER DENYING MOTION FOR AUDIO TRANSCRIPT AND DENYING REQUEST TO  
REMOVE THIS CASE TO ANOTHER JUDGE [82]**

On April 28, 2014, a federal grand jury indicted Blake Sandlain (“Petitioner” or “Sandlain”) for: (1) being a felon in possession of a firearm; (2) possession with the intent to distribute a controlled substance; (3) maintaining drug-involved premises; and (4) use a firearm in furtherance of a drug trafficking crime. *See* ECF No. 7. On September 9, 2014, this Court held a Motions Hearing. *See* ECF No. 32. On September 16, 2014, this Court denied Sandlain’s Motion to Suppress. *See* ECF No. 33. On January 8, 2015, Sandlain entered into a plea agreement, which the Court accepted. *See* ECF No. 44. The Court sentenced Sandlain to 180 months imprisonment and supervised release for three years. *See* ECF No. 73. On August 7, 2015, Sandlain moved to vacate his sentence pursuant to 28 U.S.C. § 2255. *See* ECF No. 55. The Court dismissed Sandlain’s Section 2255 motion with prejudice and did

not issue a certificate of appealability. *See* ECF No. 72. On appeal, the Sixth Circuit denied Sandlain's application for a certificate of appealability. *See* ECF No. 80.

Presently before the Court is Sandlain's *pro se* "Motion for Proving an Official Record". *See* ECF No. 82. Sandlain requests the Court to provide him with audio transcript from the September 9, 2014 hearing. According to Sandlain, testimony is omitted from the written transcript. ECF No. 82, p. 5 (Pg. ID 551). Sandlain seeks audio transcript to "substantiate" the written transcript. *Id.*

Sandlain's motion for audio transcript must be denied. The audio transcript, which Sandlain seeks, does not, nor has it ever existed. A licensed and certified court reporter transcribes each hearing that the Court conducts on the record. The Court does not typically create or maintain audio records of its hearings. Therefore, there is no audio transcript.

Additionally, Sandlain requests that the Court recuse itself from this matter due to personal bias. Sandlain suggests the Court is biased against him because the Court: (1) denied Petitioner's motion to suppress and motion for an evidentiary hearing; (2) initially denied Petitioner's Section 2255 motion before the Government had responded; and (3) denied Petitioner's Section 2255 motion before the Petitioner filed a reply to the Government's response. This request will also be denied. Receiving an adverse ruling does not mean the Court is personally biased against Mr. Sandlain. Furthermore, "[n]o response to a habeas petition is necessary when

the petition is frivolous, obviously lacks merit, or where the necessary facts can be determined from the petition itself without consideration of a response from the [Government].” *Salem v. Warren*, No. 2:09-CV-12157, 2012 WL 4009618, at \*3 (E.D. Mich. Sept. 12, 2012) (citing *Allen v. Perini*, 424 F.2d 134, 141 (6th Cir. 1970)). Therefore, the Court rendered its denial of the Petitioner’s Section 2255 motion not because it is biased against the Petitioner, but because the Court possessed enough facts to base its decision without the need for a reply.

For the foregoing reasons, the Petitioner’s Motion for Proving an Official Record and his request that the Court recuse itself from this matter [82] is **DENIED**.

**SO ORDERED.**

Dated: November 22, 2016  
Detroit, MI

/s/Gershwin A Drain  
HON. GERSHWIN A. DRAIN  
United States District Court Judge

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, November 22, 2016, by electronic and/or ordinary mail.

/s/Tanya Bankston  
Case Manager, (313) 234-5213